

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CLIFFORD F. TUTTLE, JR., AS §
REPRESENTATIVE OF THE ESTATE §
OF DENNIS W. TUTTLE, DECEASED, §
ROBERT TUTTLE, AND RYAN TUTTLE §
Plaintiffs, §

v. §

CITY OF HOUSTON, GERALD GOINES, §
in his individual capacity; STEVEN §
BRYANT, in his individual capacity; §
FELIPE GALLEGOS, in his individual §
capacity; ERIC SEPOLIO, in his individual §
capacity; MANUEL SALAZAR, in his §
individual capacity; THOMAS WOOD, §
in his individual capacity; OSCAR PARDO, §
in his individual capacity; FRANK §
MEDINA, in his individual capacity; §
CLEMENTE REYNA, in his individual §
capacity; CEDELL LOVINGS, in his §
individual capacity; NADEEM ASHRAF, §
in his individual capacity, MARSHA TODD, §
in her individual capacity, and ROBERT §
GONZALES, in his individual capacity §
Defendants. §

Civil Action No. 4:21-cv-270

CONSOLIDATED WITH

JOHN NICHOLAS, as temporary §
administrator of the Estate of Rhogena §
Nicholas and JO ANN NICHOLAS, §
individually and as an heir of the Estate of §
Rhogena Nicholas, §
Plaintiffs, §

v. §

CITY OF HOUSTON; ART ACEVEDO, in §
his official capacity as the chief of police of §
the Houston Police Department, GERALD §

GOINES, in his individual capacity; §
STEVEN BRYANT, in his individual §
capacity; FELIPE GALLEGOS, in his §
individual capacity; ERIC SEPOLIO, in his §
individual capacity; MANUAL SALAZAR, §
in his individual capacity; THOMAS §
WOOD, in his individual capacity; OSCAR §
PARDO, in his individual capacity; FRANK §
MEDINA, in his individual capacity; §
CLEMENTE REYNA, in his §
individual capacity; CEDELL LOVINGS, in §
his individual capacity; NADEEM ASHRAF, §
in his individual capacity; MARSHA TODD, §
in her individual capacity; and ROBERT §
GONZALEZ in his individual Capacity, §
§
Defendants. §

ORDER ON DEPOSITIONS

Pursuant to the Court’s previous order, Doc. # 134, the Court hereby authorizes Plaintiffs to depose the following individuals with the Houston Police Department:

1. Lt. S.C. Nguyen,
2. Lt. J.L. French, and
3. Officer Nicole Blankenship-Reeves.

These depositions are authorized for the limited purposes of allowing the Court to rule on the pending Fed. R. Civ P. Rule 12(b)(6) motions to dismiss filed by E. Sepolio, M. Salazar, T. Wood, O. Pardo, F. Medina, C. Reyna, C. Lovings, N. Ashraf and R. Gonzales. Docs. #93, #94, #98 and #99 (“Rule 12(b)(6) motions”).

These depositions will be limited in scope and narrowly tailored to the qualified immunity defenses and to identify what actions the Defendant Officers took on the date in question so that the Court can rule on the pending Rule 12(b)(6) motions. The depositions will occur in January 2022 at mutually agreeable times. Ten (10) days prior to the February 2022 status conference, Plaintiffs will file their *Schulte* Reply stating the specific facts as to each officer that establishes

a constitutional violation by that officer and cite the legal precedent, which establishes that the alleged constitutional violation by each officer was “clearly established” at the time of the subject incident.

Since the above depositions are limited to the qualified immunity defenses, the Court will allow these three witnesses to give a second deposition on other relevant matters that are not related to the qualified immunity defenses, if necessary. Other relevant matters may include *Monell* liability and theft and or overtime theft claims.

In addition to the above ruling, the Court authorizes the defendant(s) to depose the author of the Texas Ranger Report, Ranger Jeff Wolf, which was requested at the status hearing on December 15, 2021 by counsel for Goines. The Court hereby orders that his deposition also take place in January 2022. No other depositions will be authorized until after the Court rules on the pending Rule 12(b)(6) motions.

It is so ORDERED.

Date

The Honorable Alfred H. Bennett
United States District Judge